

REMARKS/ARGUMENTS

In the Final Office Action mailed June 9, 2004, claims 1-26 stand rejected. Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Final Office Action. All the pending claims at issue are believed to be patentable over the cited references.

No claims are amended. No claims are cancelled. No claims are added. As such, claims 1-26 remain pending.

CLAIM REJECTIONS – 35 U.S.C. § 112

Claims 1-26 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Office Action stated that claims 1, 11, and 14 contain the limitation “the first and second capacitor are detachably coupled.” The Office Action stated that this was subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant respectfully traverses this rejection. At the very least, paragraph 38 of the specification provides support for the claimed phrase “detachably coupled.” Paragraph 38 details altering the length of the chime output by switching in or switching out another capacitor. Switching a capacitor in and out of the circuit is the same or equivalent to being detachably coupled to the circuit. To switch in a capacitor into the circuit would be equivalent to coupling it

to the circuit. Therefore, being able to switch a capacitor in and out of the circuit is equivalent to being “detachably coupled.”

In view of the foregoing arguments, Applicant respectfully requests that the rejection under 35 U.S.C. § 112, ¶ 1, as to claims 1-26, be removed.

CLAIM REJECTIONS – 35 U.S.C. § 102(e)

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent Published Application No. 2003/0003950 to Kroll *et al.* (hereinafter referred to as “Kroll”). In light of the following remarks, Applicant respectfully submits that these claims are allowable.

Initially, Applicant notes that it is axiomatic that to qualify as an anticipation under Section 102, the cited reference must “bear within its four corners adequate directions for the practice of the patent invalidated.” (See, for example, Dewey & Almay Chemical Co. v. Mimex Co., Inc., 52 U.S.P.Q. 138 (2nd Cir. 1942)). Applicant respectfully submits that Kroll embodies no such directions.

Applicant notes that Kroll discloses a self defense cellular telephone. Kroll discloses incorporating a cell phone with a personal defense system such as a stun gun. Essentially, Kroll teaches an economical disposable safety cellular telephone.

The Office Action stated that Kroll discloses an electronic device (cellular telephone) (abstract) comprising: a CPU (audio controller 60); a signal generating circuit 100, wherein the signal-generating circuit 100 comprises RC circuit 48, 52, 54, 50, 56, 58 having a first a first capacitor 48 and a second capacitor 50, the first and second capacitor are detachably coupled to

signal generating circuit 100 and are switched into the signal generating circuit 100 by the CPU (audio controller 60) to extend the length of an output signal (fig. 4, page 2, ref. 0037).

The present invention is very specific in that it claims an electronic device that includes a CPU and a signal-generating circuit. The circuitry includes RC circuitry having a first capacitor and a second capacitor, which are detachably coupled (switchable) to a signal-generating circuit and are switched into the signal generating circuit by the CPU to extend the length of an output signal.

As noted previously, a particular problem with the prior art is that, in a number of locations, the ambient temperature can cause audio circuits to produce a chime that is non-continuous in nature. In effect, it is turning on and off. The present invention overcomes this deficiency by switching in a second capacitor in combination with non-temperature sensitive devices. As a result, the voltage to the tone generator is not allowed to drop to such a level that non-continuous chiming is permitted to occur. Additionally, the two capacitors allow one to extend the duration of the chime to a user-defined limitation. None of these claimed features are in the disclosed in Kroll.

The citations to Kroll in the Office Action are primarily to paragraph [0037]. Paragraph [0037] of Kroll discloses a microphone 46 that is coupled capacitors 48 and 50, resistors 52, 54, 56 and 58 into an audio controller 60. However, at no point in paragraph [0037], or anywhere else in Kroll, is there any disclosure of switching (detachably coupling) in the capacitors in order to increase the length of the output signal as is claimed in each of the independent claims, 1, 11 and 14, in the present application.

In light of the above arguments, Applicant respectfully requests that the rejection as to claims 1, 11 and 14 under 35 U.S.C. 102(e) be removed as the cited references do not disclose all

the elements required to support the rejection. Claims 2-10, 12, 13 and 15-26, directly or indirectly, depend from allowable independent claims 1, 11 and 14. As such, claims 2-10, 12, 13 and 15-26 are allowable as well. Therefore, Applicant respectfully requests that the rejection to these claims be removed as well.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

The Examiner rejected claims 19-26 under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 2003/0003950 to Kroll in view of United States Patent No. 4,110,750 to Heyning *et al.* (hereinafter referred to as “Heyning”).

The Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. *MPEP* §2142. To establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, to modify the references or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art must teach all the claim limitations. *MPEP* §2142

In light of the above arguments regarding Kroll, the cited references do not teach or suggest all the elements to support a finding of obviousness. Therefore, independent claims 1, 11 and 14 are allowable. Claims 19-26, directly or indirectly, depend from claims 1, 11 and 14. As such, claims 19-26 are allowable as well. Applicant respectfully requests the rejection to these claims be removed as well.

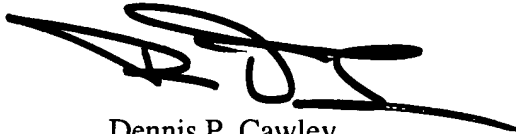
CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If it is believed that the application is not in condition for allowance, the Examiner is requested to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87319.1500.

Respectfully submitted,

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